

**\*E-FILED\***  
**November 9, 2005**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DONALD JOHNSON,

No. C 05-00274 JW (RS)

Plaintiff,

v.

NATIONAL CREDIT ACCEPTANCE,

Defendant.

CURTIS HOLLARS,

No. C 05-00978 JW (RS)

Plaintiff,

v.

NATIONAL CREDIT ACCEPTANCE,

Defendant.

**SETTLEMENT CONFERENCE ORDER**

TO ALL PARTIES AND COUNSEL OF RECORD:

The above related matters were referred to Magistrate Judge Richard Seeborg for Settlement Conference. You are hereby notified that the conference is scheduled for **January 9, 2006 at 9:30 a.m.** in Courtroom 4, Fifth Floor, United States Courthouse, 280 S. First Street, San Jose, California.

**Lead trial counsel** shall appear at the Settlement Conference with the parties and with the person or persons having **full authority** to negotiate and to settle the case. In all cases in which a party is insured,

1 the carrier's claims representative and attorney, if any, with **full authority** to negotiate up to the limits of  
2 coverage shall also attend the Settlement Conference.

3 Personal attendance by counsel will not be excused under any circumstances and personal  
4 attendance by a party will rarely be excused. Permission for a party to attend by telephone may be granted  
5 upon written request made at least ten (10) calendar days in advance of the conference, **if** the party lives  
6 and works outside of the Northern District of California **and** attendance would constitute a hardship. The  
7 nature of the hardship must be explained. A copy of the written request must be served on all other parties.  
8 Any objection to the request must be submitted within forty-eight (48) hours of receipt. Both the request  
9 and objection may be submitted in letter form either by mail or facsimile to 408/535-5354. If telephone  
10 attendance is allowed, the party must be available throughout the entire conference.

11 No later than seven (7) calendar days before the Settlement Conference, each party shall submit a  
12 Settlement Conference Statement to Magistrate Judge Seeborg in camera. The original Settlement  
13 Conference Statement (no copies are necessary) shall be placed in a sealed envelope, clearly marked  
14 "Confidential: Settlement Conference Statement; Attn: Clerk for Magistrate Judge Seeborg," and lodged  
15 with the Clerk's office, Room 2112 on the second floor of the United States Courthouse, 280 South First  
16 Street, San Jose, California. The clerk will forward the Settlement Conference Statement to Magistrate  
17 Judge Seeborg's chambers. The Settlement Conference Statement shall not be filed with the Court nor are  
18 the parties required to serve the Statement upon the other parties or their counsel.

19 The form and content of the Settlement Conference Statement may vary depending upon the nature  
20 of the case, the stage of the proceedings or timing of the conference, and economic considerations.

21 Generally, the Settlement Conference Statement should include the following information:

- 22 1. Statement of Facts. A brief description of the substance of the claims and defenses presented.
- 23 2. Summary of Proceedings. A brief list of the motions previously made, the dispositions thereof,  
24 and any motions pending resolution.
- 25 3. Undisputed Matters. A plain and concise statement of all material facts not reasonably  
26 disputable.
- 27 4. Issues of Fact. A plain and concise statement of the major factual issues in dispute.



**United States District Court**

For the Northern District of California

RICHARD SEEBORG  
United States Magistrate Judge

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1 **THIS IS TO CERTIFY THAT NOTICE OF THIS ORDER WAS ELECTRONICALLY**  
2 **PROVIDED TO**

3 Ronald Wilcox, Esq.  
4 Email: ronaldwilcox@post.harvard.edu

5 Maureen Ann Harrington, Esq.  
6 Email: mharrington@mgghsf.com

7 Counsel are responsible for distributing copies of this document to co-counsel who have not registered for  
8 e-filing under the court's CM/ECF program.

9 Dated: November 9, 2005

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11 CHAMBERS OF MAGISTRATE JUDGE RICHARD SEEBORG

12 By: /s/ BAK  
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